

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04-CR-00222-RJC-CH

USA

v.

KIMBERLY FRANCENE BAKER

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ORDER

THIS MATTER comes before the Court upon the defendant's letter-motion for a sentence reduction in light of Johnson v. United States, 135 S. Ct. 2551 (2015). (Doc. No. 66).

Title 28, United States Code, Section 2255 allows a prisoner to move to vacate a sentence obtained in violation of the Constitution, with certain limitations. Although, there is no constitutional right to counsel in proceedings under § 2255, See Crowe v. United States, 175 F.2d 799 (4th Cir. 1949), in the circumstances of this case, the Court will appoint counsel for the limited purpose of investigating and raising any claim the defendant may have under Johnson. (See Case No. 3:16-mc-1, Doc. No. 1: Order (authorizing appointment of counsel for Johnson claim)).

IT IS, THEREFORE, ORDERED that the defendant's motion for a sentence reduction based on Johnson is **DENIED without prejudice**.

IT IS FURTHER ORDERED that the Federal Defenders of Western North Carolina, Inc. shall designate counsel promptly for the limited purpose of investigating and raising any claim the defendant may have under Johnson.

The Clerk is directed to certify copies of this order to the defendant, the Federal Defenders of Western North Carolina, Inc., and to the United States Attorney.

Signed: June 14, 2016



Robert J. Conrad, Jr.
United States District Judge

